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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

GARY ODOM

Plaintiff and Counterclaim-  
Defendant,

vs.

MICROSOFT CORPORATION

Defendant and Counterclaim  
Plaintiff.

Case No. 3:09-CV-230-MO

**MEMORANDUM IN SUPPORT OF  
PLAINTIFF GARY ODOM'S  
EMERGENCY MOTION FOR  
EXTENSION**

Plaintiff Gary Odom ("Odom") hereby moves the Court to extend certain deadlines in the case due to the withdrawal of counsel, and respectfully shows the following:

Plaintiff has been represented in this litigation by lead counsel, Ed Goldstein with the law firm of Goldstein, Faucett & Prebeg, and local counsel, John Mansfield with Schwabe, Williamson & Wyatt. Both lead and local counsel for Odom have given him notice of their intent to withdraw from this case. Accordingly, both firms will be filing a Motion to Withdraw in the next few days.

There are certain critical deadlines in the litigation that will be occurring in the next few days and over the next month. In particular, the exchange of expert reports and the filing and responses to dispositive motions are imminent. Odom seeks a 60-day extension of the expert report and dispositive motion deadlines in order to engage new counsel. Plaintiff does not seek this extension to delay the case, but instead to obtain new counsel and have them meaningfully involved in these critical aspects of the case. The table below sets out the current schedule and Odom's proposed date for the deadlines that Odom seeks to extend through this Motion.

<b>Event</b>	<b>Current Deadline</b>	<b>Proposed Deadline</b>
Opening expert reports by the party that bears the burden of proof	November 20, 2009	January 19, 2010
Opening report by Plaintiff on secondary considerations of non-obviousness	December 4, 2009	February 3, 2010
Responsive expert reports	December 4, 2009	February 3, 2010
Responsive reports by Defendant on secondary considerations of non-obviousness	December 11, 2009	February 10, 2009
Expert discovery cutoff	December 23, 2009	February 22, 2010
Dispositive motions deadline	January 8, 2010	March 8, 2010

Replies to dispositive motions	February 5, 2010	April 5, 2010
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Plaintiff's proposed extension will not disrupt the current trial setting or the pretrial deadlines. Currently, the joint pretrial order is due on July 2, 2010, and trial is set for August 2, 2010.

Accordingly, Plaintiff respectfully requests that the Court grant a 60-day extension of the deadlines as set forth above to allow time for Odom to engage new counsel.

Dated: November 18, 2009

/s/ Edward W. Goldstein  
Edward W. Goldstein (Appearing *Pro Hac Vice*)  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on November 18, 2009. Any other counsel of record will be served by first class U.S. mail.

/s/ Edward W. Goldstein  
Edward W. Goldstein